GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Minorities Welfare Department – KAZIS ACT, 1880 (Central Act XII of 1880) – SPSR Nellore– Allegations levelled against Sri Shaik Mushtaq Ahmed Madani, S/o S.A.Mastan Saheb, Government Kazi for Podalakur, Kaluvoya and Chejerla Mandals, SPSR Nellore District – Inquiry conducted – Show Cause Notice issued– Explanation submitted - Action on merits and records available – Removal from the post of Government Kazi – Notification - Orders – Issued.

- -

MINORITIES WELFARE (IDM-I) DEPARTMENT

G.O.Ms.No.32 **Dated:10/08/2023**

Read the following:-

1. G.O,Ms.No.112, M.W.(Waq-1) Dept., dt: 27.04.2011.
2. From the Collector and District Magistrate, SPSR Nellore District, Lr.Rc.No.B/16/2022, dt:11.03.2023.
3. Govt.Memo.No.2088258/IDM-I/2023, dt:07.06.2023
4. From Sri Sk. Mushtaq Ahamed Madani, S/o SA Masthan Saheb, Ramalayam Street, Podalakur Village and Mandal, SPSR Nellore District, dt:21.06.2023.

*****

O R D E R:

In the GO first read above Government has appointed Sri Shaik Mushtaq Ahmed Madani, S/o S.A.Mastan Saheb R/o Ramalayam Street, Podalakur Village and Mandal, SPSR Nellore District as Government Kazi for Podalakur, Kaluvoya and Chejerla Mandals, SPSR Nellore District for performing marriages of Muslims under Section (2) of the Kazis Act,1880 (Central Act XII of 1880)

2. In the reference second read above, the District Collector, SPSR Nellore District has submitted report stating that Smt. Shaik Summaiya, W/o. Shaik Mohisin, has made certain allegations against Sri Shaik Mushtaq Ahmed Madani, S/o S.A.Mastan Saheb, Government Kazi for Podalakur, Kaluvoya and Chejerla Mandals, SPSR Nellore District vide her letters dt: 22.04.22. & 23.02.2023 alleged that Sri Shaik Mushtaq Ahmed Madani, S/o S.A.Mastan Saheb, Government Kazi, has been collecting huge amount for performing Muslim marriages, misusing trust funds (Varasathul Ambia Sahara Baithulmaal Trust) and also having Disproportionate Assets. She has filed a case against the Government Kazi at Disa Police Station, Nellore, FIR No.90/2020 u/s 498(a) IPC, section 3 & 4 of the Dowry Prohibition Act, 1961 and another case FIR No.213/2022 u/s 420,406,506 r/w 34 IPC filed at Chinna Bazar Police Station, Nellore. She has requested the Dist. Collector, SPSR Nellore District to take appropriate action on the appointment of the said Kazi as there are charges against them and pending cases in the Nellore Courts. The Deputy Superintendent of Police, Disha Police Station, Nellore has also reported that two cases have been filed against the Kazi Sri. Shaik Mushtaq Ahmed Madani i.e., FIR No.90/2020 u/s 498(a) IPC, section 3 & 4 of the Dowry Prohibition Act, pending before I Class Special Judicial Magistrate, Mobile Court, Nellore and FIR No.213/2022 u/s 420,406,506 r/w 34 IPC filed at Chinna Bazar Police Station, Nellore, pending before II Additional Judicial Magistrate, Nellore vide CC No.2901/2022. Finally, the District Collector, SPSR Nellore District has stated that being in multiple cases as above is not valid as per the rules of Kazi and non-observance of moral values towards the Muslim marriage system, unethical behaviour in cases while being Kazi, makes Sri Shaik Mushtaq Ahmed Madani, S/o S.A.Mastan Saheb, unfit to perform his duties as Kazi for Podalakuru, Kaluvai, Chejarla, 03 mandals. Hence, the District Collector, SPSR Nellore District, has requested to issue orders to remove above Kazi as per Kazis Act 1880 (Central Act XII of 1880).

(PTO)

3. In the reference third read above, Government has issued Show Cause Notice to Sri Shaik Mushtaq Ahmed Madani, S/o S.A.Mastan Saheb, Government Kazi for Podalakur, Kaluvoya and Chejerla Mandals, SPSR Nellore District, as to why his services may not be removed as Government Kazi, for Podalakur, Kaluvoya and Chejerla Mandals of SPSR Nellore District, as per Section 2 of Kazis Act, 1880, as he was found guilty of mis-conduct in the execution of his office, for his unbecoming acts and for gratification, to the Government, within (15) days, from the date of receipt of this Memo, failing which, action will be initiated against the individual based on the merits and material available on records vide reference third read above.

4. In the reference fourth read above, Sri Sk. Mushtaq Ahamed Madani, S/o SA Masthan Saheb, Government Kazi for Podalakur, Kaluvoya and Chejerla Mandals, SPSR Nellore District, while denying the allegations has stated that due to the marriage disputes in between his brother Shaik Mohisin and his wife Smt. Shaik Summaiya, and in the process of settlement of scores, the said Smt. Shaik Summaiya made him scapegoat in their family disputes and made false and frivolous allegations against him and his family members and foisted false cases against him and others. The alleged cases are related to the issues connected to her marriage and not related to his duties as Khazi and also stated that he has not committed any wrong or violated terms of appointment. The report of the Collector and District Magistrate was misconstrued and said to have crafted the alleged show cause notice in a mechanical manner. He has requested the Government to exonerate him from the alleged charges in the interest of principles of natural justice.

5. Keeping in view of the report of the District Collector, SPSR Nellore that being accused Sri Shaik Mushtaq Ahmed Madani, S/o S.A.Mastan Saheb, in multiple cases and non-observance of moral values towards the Muslim marriage system, unethical behavior in cases while being Kazi, makes Sri Shaik Mushtaq Ahmed Madani unfit to perform his duties as Kazi for Podalakuru, Kaluvai, Chejarla, 03 Mandals.

6. The Government after careful examination of the reports of the District Collector, SPSR Nellore vide references 2nd read above and on examination of the explanation submitted by individual vide references 4th read above, hereby removes Sri Shaik Mushtaq Ahmed Madani, S/o S.A.Mastan Saheb, from the duties of Government Kazi for Podalakur, Kaluvoya and Chejerla Mandals, SPSR Nellore District in exercise of powers conferred under Section 2 of Kazis Act, 1880, with immediate effect.

7. The following Notification shall be published in the next issue of Andhra Pradesh State Gazette:-

NOTIFICATION

“In exercise of the powers conferred under Section-2 of the Kazi’s Act, 1880 (Central Act XII of 1880), the Government of Andhra Pradesh, hereby removes Sri Shaik Mushtaq Ahmed Madani, S/o S.A.Mastan Saheb, from the duties of Government Kazi for Podalakur, Kaluvoya and Chejerla Mandals, SPSR Nellore District in exercise of powers conferred under Section 2 of Kazis Act, 1880, with immediate effect.

8. The Chief Executive Officer, A.P. State Waqf Board, Vijayawada/The District Collector, SPSR Nellore shall take necessary action, accordingly.

(**BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

A MD IMTIAZ
SECRETARY TO GOVERNMENT

To
Sri Shaik Mushtaq Ahmed Madani,
S/o S.A.Mastan Saheb R/o Ramalayam Street,
Podalakur Village and Mandal.
(through Collector and District Magistrate, SPSR Nellore)

(Contd…03)

The Collector and District Magistrate, SPSR Nellore.
The Chief Executive Officer, A.P. State Waqf Board, Vijayawada.
(with a direction to collect the marriage booklets issued if any, from Sri Shaik Mushtaq Ahmed Madani, S/o S.A.Mastan Saheb R/o Ramalayam Street, Podalakur Village and Mandal worked as Government Kazi for Podalakur, Kaluvoya and Chejerla Mandals, SPSR Nellore District).
The Commissioner, Printing, Stationery and Stores Purchase, Andhra Pradesh, Muthyalampadu, Vijayawada
(for publication in the Andhra Pradesh Gazette.)
(And to furnish 10 copies)
Copy to:
The District Minorities Welfare Officer, SPSR Nellore District.
P.S. to Hon'ble Deputy Chief Minister (M.W.), A.P.,Secretairat, Velagapudi,
OSD to Secretary to Government, Minorities Welfare Department,
A.P. Secretariat, Velagapudi.
Sc/Sf.

//FORWARDED :: BY ORDER//

SECTION OFFICE